

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0812

SENATE BILL NO. 239

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Governor

1 FOR AN ACT ENTITLED, An Act to impose legal responsibility and tort liability for
2 environmental damages caused by the negligent entrustment of livestock to another.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "Person," any corporation, family farm corporation, limited liability corporation,
6 cooperative association, partnership, limited partnership, limited liability partnership,
7 joint venture, natural person, or other legally established entity of any sort;

8 (2) "Livestock," includes cattle, poultry, bison, sheep, swine, goats, and horses;

9 (3) "Ownership interest," includes any partial, fractional, or complete ownership of an
10 interest in livestock, but does not include any lien or security interest attaching to
11 livestock;

12 (4) "Environmental damages," includes all damages arising from contamination or
13 pollution of air, water, real or personal property, livestock, wild animals, birds, fish,
14 other aquatic life, or human beings from a location within the State of South Dakota,
15 including contamination or pollution, as defined in Title 34A.

1 Section 2. Any person who holds an ownership interest in livestock and negligently entrusts
2 the possession or control of that livestock to another person is liable for all environmental
3 damages suffered by other persons which are caused by the acts or omissions of the person
4 entrusted with those livestock and which arise from the possession or control of that livestock.